
House Bill 2882

State of Washington

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1 AN ACT Relating to labeling of lead-containing products; adding a
2 new chapter to Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that lead hazards
5 associated with lead-containing products represent a significant and
6 preventable environmental health problem. Lead negatively affects
7 every system of the body. It is harmful to individuals of all ages and
8 is especially harmful to children and adults of childbearing age. The
9 effects of lead on a child's cognitive, behavioral, and developmental
10 abilities may necessitate large expenditures of public funds for health
11 care and special education. The irreversible damage to children and
12 subsequent expenditures could be avoided if exposure to lead is
13 reduced. When consumers are provided with more and accurate
14 information about products, consumers may better choose products that
15 they feel will provide the best benefit to them individually, and the
16 marketplace works more efficiently.

17 (2) For the welfare of the people of the state of Washington, this
18 chapter establishes labeling requirements for lead-containing products
19 to help educate the general public regarding its exposure to lead.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Consumer" means an individual who seeks to obtain, obtains, or
4 has obtained a lead-containing product from a retailer that is to be
5 used primarily for personal, family, or household purposes.

6 (2) "Department" means the department of ecology.

7 (3) "Director" means the director of the department of ecology.

8 (4) "Lead-containing product" means a product, commodity, chemical,
9 or compound that contains lead and is being sold to a consumer for
10 personal, family, or household use. "Lead-containing product" includes
11 products with a component that contains lead or a lead compound.

12 (5) "Manufacturer" includes any person, firm, association,
13 partnership, corporation, governmental entity, organization, or joint
14 venture that produces a lead-containing product or an importer or
15 domestic distributor of a lead-containing product produced in a foreign
16 country. In the case of a multicomponent product containing lead, the
17 manufacturer is the last manufacturer to produce or assemble the
18 product. If the multicomponent product containing lead is produced in
19 a foreign country, the manufacturer is the importer or domestic
20 distributor.

21 (6) "Package" means the immediate container or wrapping in which
22 any product is contained for marketing, protecting, handling, or for
23 use by consumers, and also means any outer container or wrapping used
24 in the retail display of such a product to consumers.

25 (7) "Retailer" means a retailer of a lead-containing product.

26 (8) "Wholesaler" means every person who purchases, sells, or
27 distributes lead-containing products to retailers for the purpose of
28 resale only.

29 NEW SECTION. **Sec. 3.** Nothing in this chapter should be
30 interpreted to apply when in conflict with federal law.

31 NEW SECTION. **Sec. 4.** (1) Effective January 1, 2010, a
32 manufacturer or wholesaler may not sell a lead-containing product at
33 retail in this state, to a retailer in this state, or for use in this
34 state, unless the lead-containing product is labeled according to the
35 guidelines listed under subsection (2) of this section. However, this

1 section does not apply to lead-containing products that contain less
2 than 0.009 percent lead.

3 (2) A lead-containing product is considered properly labeled under
4 this section if it has:

5 (a) A label that states the percentage content of lead in a minimum
6 ten-point font affixed on the outer portion of the package viewable to
7 consumers at time of purchase, or, if the lead-containing product is
8 not contained in a package, then affixed directly onto the
9 lead-containing product (for example, if the lead-containing product
10 contains eight percent lead, the label must state "8 percent lead
11 content"); and

12 (b) An imprint directly on the lead-containing product that
13 identifies the percentage content of lead in a minimum ten-point font.

14 (3) The primary responsibility for affixing labels and the imprint
15 required under this section is on the manufacturer and not on the
16 wholesaler or retailer.

17 (4) Nothing in this section restricts the ability of a
18 manufacturer, importer, or domestic distributor from transporting
19 products through the state or storing products in the state for later
20 distribution outside the state.

21 NEW SECTION. **Sec. 5.** A manufacturer, wholesaler, or retailer may
22 not remove from a lead-containing product any label or imprint affixed
23 to it that relates in whole or part to lead or lead hazards and which
24 label is required by this state.

25 NEW SECTION. **Sec. 6.** A violation of this chapter or any rule
26 adopted under this chapter is punishable by a civil penalty not to
27 exceed one thousand dollars for each violation in the case of a first
28 violation. Repeat violators are liable for a civil penalty not to
29 exceed five thousand dollars for each repeat violation. Penalties
30 collected under this section must be deposited in the state toxics
31 control account created in RCW 70.105D.070.

32 NEW SECTION. **Sec. 7.** The department may adopt rules to implement
33 this chapter.

1 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
2 a new chapter in Title 70 RCW.

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